

County Boards (Ireland). No. 2 Bill.

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SCHEDULES.

A
B I L L

TO

Establish Elective County Boards in Ireland.

WHEREAS it is expedient that the control of the money raised for local purposes in the different counties of Ireland by the county cess and similar rates should be under the supervision and direction of persons elected by those who pay such rates :

A.D. 1874.

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Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

1. A board shall be established in each county in Ireland to be called the county board of such county, and from and after the establishment of such county board all powers and duties vested in or imposed on the grand jury of such county by the several Acts of Parliament mentioned in the first schedule annexed hereto shall be transferred to and imposed on the said county board, and shall cease to be exercised or performed by such grand jury, and except as otherwise provided by this Act, shall be exercised and performed by such county board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by such grand jury or by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

An elective board substituted for grand jury.

2. The county board shall consist of twenty-three board members ; twenty-one of such members being elected as afterwards provided, and the remaining two being the parliamentary members for the county in which such board is elected, who shall be ex officio members of the same.

Board to consist of twenty-three members.

Seven of the so elected twenty-one board members shall retire each year, but shall be capable of re-election.

3. The Lord Lieutenant by and with the advice of the Privy Council in Ireland shall before the *first of October one thousand eight hundred and seventy-five* divide each county in Ireland into board districts for the election of board members, and may alter such

County to be divided into board districts.

[Bill 51.]

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A.D. 1873. division alter same at the recommendation of the county board for such county. In making such division or alterations the Lord Lieutenant shall make each board district to consist of one or more polling districts, as constituted by the Ballot Act, 1872. The number of board districts shall not in any county exceed seven. 5

Determination of number of members to be allotted to each district.

4. The Lord Lieutenant, by and with the advice of the privy council in Ireland, shall before the *first of October one thousand eight hundred and seventy-five* determine and may from time to time alter, at the recommendation of the county board, the number of board members to be elected from each board district. Such 10 number being, however, either not less than three or more than six. In making such allotments the Lord Lieutenant shall as far as possible allot to each board district board members in the same proportion to the twenty-one to be returned for the county which the number of voters in such board district bears to the whole number 15 of voters in the county in which such district is situated.

Qualification of board members.

5. Every person shall be capable of being elected a board member for any county board who shall be at the time of such election a registered voter for candidates for parliamentary elections for the county for which such board is constituted, or who shall be a peer 20 owning or occupying any real property within the county.

Qualification of voter.

6. At every election of board members for a county board in any board district every person who shall then be a registered voter in such district for candidates for parliamentary elections shall be entitled to vote for the board members allotted to such district. No 25 person shall be entitled to vote at more than one polling place in the county at any election. Every person qualified to vote shall be entitled to vote for a number of candidates equal to the number of board members to be returned at the time of such election by the district in which he votes. 30

Date of election.

7. On the *first day of November one thousand eight hundred and seventy-five*, the twenty-one board members for the ensuing year, to be counted from the first day of November, shall be elected. On the first day of November in every subsequent year the seven board members to be elected in place of those retiring by rotation shall be 35 elected.

Notice of election.

8. The returning officer shall on the twentieth day of October in every year prepare and issue a notice in the form to be approved of by the Lord Lieutenant and the Privy Council, and shall cause such notice to be duly posted on every church and other place of worship, 40 and also on every courthouse, police station, market-place, and other usual place for posting public notices, that on the first day of Novem-

her next he shall proceed to the election of board members, and will up to four o'clock on the first day of November receive nominations for candidates for election for the different board districts of said county for which board members are to be elected. The notice to be published on the twentieth of October one thousand eight hundred and seventy-five shall state that twenty-one board members are to be elected, and also the number of board members to be elected by each district, specifying same. The notice to be published in every year subsequent to the twentieth of October one thousand eight hundred and seventy-five shall state the number of board members to be elected in place of those retiring by rotation, the districts for which they are to be elected, and the names of the board members then going out of office.

A.D. 1875.

9. Every nomination shall be in writing and in the form in the second schedule hereto. Every such nomination paper shall be signed by two voters as proposer and seconder. Every such nomination paper shall be delivered to the returning officer at the usual place for holding parliamentary elections for the county for which the board is to be constituted, or to such other persons as he may appoint to receive the same if he thinks fit in the different board districts. Such nomination papers may be transmitted by post.

Mode of nomination.

10. The returning officer shall carefully preserve every nomination paper received by him, and on the receipt thereof shall mark on each a number and date according to the order in which the same shall be received. He shall also compare each nomination paper with the registry of voters and ascertain whether the several persons mentioned in each nomination paper are in all respects duly qualified to nominate and be nominated respectively. In the event of his considering any nomination paper informal, he shall within one hour after receipt of same put on the door of courthouse that he has rejected such nomination paper, and state the reason for doing so.

Returning officer to decide on validity of nomination paper.

The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision of rejecting the objection shall be final; but if allowing the same shall be subject to reversal on petition questioning the election or return.

11. If any person put in nomination for the office of board member shall at any time before four o'clock on the first day of November duly tender to the returning officer his refusal in writing to such office the returning officer shall omit and strike out the name of such person from the list of candidates.

Candidate may resign.

A.D. 1875.

If more candidates than local members to be returned, poll is to be adjourned.

12. On the first day of November in every year if the candidates for any board district shall not exceed the number of board members to be then elected for such district, the returning officer shall on said day declare such candidates except such as may have declined to act to be the board member for such district, and shall certify the same 5 accordingly. When the candidates duly nominated for any board district shall exceed the number of board members to be elected for such district, the returning officer shall on the first day of November adjourn the poll for such board districts to that day week. If for any board district no candidates are nominated or not a sufficient 10 number to fill up the vacancies in such district, the returning officer shall return as many of the outgoing board members of such district as board members for the ensuing year for such district as necessary to make the prescribed number of board members for such district complete. In making such returns the returning 15 officer shall select those who at the then last contested election for such district received the greater number of votes.

Voting to be by ballot.

13. The poll at any contested election for board members shall be conducted by the returning officer, and shall so far as circumstances admit, be conducted in the manner in which the poll is under the 20 Ballot Act 1872 directed to be conducted at all contested parliamentary elections, subject to the modifications contained in this Act, and shall be by ballot; and such provisions of the Ballot Act, 1872, as relate to or are concerned with the poll at a parliamentary election shall apply to a poll at a contested county board election: 25 Provided as follows, the term "petition questioning the election or return" shall mean any proceeding in which a county board election can be questioned.

Each voter shall vote at the polling place at which he would be entitled to vote in a parliamentary election, and the returning 30 officer shall make arrangements for receiving votes at each parliamentary polling place in those board districts of which the representation is contested.

Ballot-boxes may be forwarded by post.

14. The several ballot-boxes used in the different polling places shall be forwarded to the returning officer in such manner as the 35 Lord Lieutenant shall direct with the advice of his Privy Council. It shall be lawful for the Lord Lieutenant to authorise the ballot-boxes to be transmitted by post subject to such regulations as he shall think fit.

Votes to be counted as provided by Ballot Act.

15. On the tenth day of November and from that day continuously 40 the receiving officer shall proceed to count the votes for the different candidates for board districts. If all the ballot-boxes have not

then arrived the receiving officer may adjourn such counting for such time as he thinks fit. The votes shall be counted, so far as circumstances admit, as is provided in the case of parliamentary elections by the Ballot Act, 1872, and such provisions of said Act as relate to or are concerned with the counting at a parliamentary election shall apply to the counting at a contested county board election.

A.D. 1876.

16. As soon as such counting shall have taken place, or in the event of there being no contest for any board district on the first day of November, the returning officer shall make a return under his hand and seal in the manner to be appointed by the Lord Lieutenant with the advice of his Privy Council of the name of every board member whom he shall declare to be returned.

Returning officer to return board members.

In the case of a contest for any board district the names of all candidates and the number of votes they received shall be returned.

15 In case there shall have been no candidates for any board district, or in case the number of candidates shall be less for any board district than the number of local members to be returned for such district, this fact shall be so stated. The returning officer shall forthwith publish such return. As soon as the receiving officer shall have signed such return in manner aforesaid the members so returned shall be deemed board members of the county board for the ensuing year. The return when made shall be given to the secretary of the county board, who is to preserve same. The returning officer shall transmit a duplicate of such return to the clerk of the banasper.

The county board in each county shall be deemed to be established as soon as the returning officer of such county makes a return as aforesaid.

In case of an equality in the number of votes for any two or more candidates the returning officer, if necessary, to prevent an excess in the number of board members for any board district shall decide by lot which of such candidates are to be elected.

17. The county board for every county while so acting shall be and are hereby declared to be a body politic and corporate, and shall be called by the name of the "County Board for the County of _____," and are hereby authorised and enabled by that name to sue and be sued, plead and implead in law and equity.

County board a body politic.

18. The county board shall meet at such times and at such places as shall be enjoined by order of the Lord Lieutenant with the advice of the Privy Council.

Meetings of county board.

The county board shall during the time of the assizes transact no fiscal business without the permission of the judge of assizes as

A.J. 1875. heretofore obtained by the grand jury. The county board shall during each assizes transmit to the judge of assizes any presentments they may have agreed to in the same manner that same have heretofore been transmitted by the grand jury.

Acts of board
valid when
not complete.

19. In case the full number of board members shall not be elected 5 at any election of board members for the time being, or in the event of any vacancy occurring in such county board by the death or disqualification to act of any board member, the other or remaining board members of the said county shall continue to act until the next election, or until the completion of such board, as if no 10 such vacancy occurred, and as if the number of such board were complete.

Officers of
grand jury
transferred
to county
board.

20. In every county all officers, clerks, harony constables, the present secretary of the grand jury, and all other persons employed in or about the execution of the powers and duties by this Act 15 transferred to the county board, shall, from and after the *eighth day of November one thousand eight hundred and seventy-five*, be attached to and under the control of the county board for such county.

Constabulary
to post
notices.

21. The nominating officer shall be entitled to require the con- 20 stabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Corrupt
Practices
Municipal
Act, 1872,
incorporated
with Act.

22. The Corrupt Practices Municipal Act, 1872, shall be incorporated with this Act: Provided as follows,—

"Borough" includes county.

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"Office" includes sheriff, sub-sheriff, and board member.

"Town clerk" includes clerk of the peace.

"Borough rate or fund" includes rate under the sixth and seventh William the Fourth, chapter one hundred and sixteen.

"Register" includes the different parliamentary voting lists for 30 the polling districts which form any board district.

Ballot Act,
1872, in-
corporated
with Act.

23. The Ballot Act, 1872, shall be incorporated herewith: Pro-
vided as follows,—

(a.) In Part III. the expression "municipal" includes county
board:

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(b.) In the application of the provisions of the first schedule of the Ballot Act, 1872, to county board elections, the following modifications shall be made. 1. An order of the civil bill court having jurisdiction in the county or any part thereof, or of any tribunal in which a county board election 40 is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's superior

courts, but an appeal from such civil bill court may be had in like manner as in other cases in such civil bill court; 2. Nothing in such schedule with respect to time to elapse from day of poll to day of nomination shall apply to a county board election.

A.D. 1875.

The returning officer shall have a similar right to require the use of any room and of any ballot-boxes, as provided by sections six and fourteen of such Act for parliamentary elections.

24. The returning officer shall forward all ballot papers and all other documents connected with the election to the clerk of the house of commons, and transfer in the same manner all such documents as are directed to be forwarded in contested parliamentary elections by the Ballot Act, 1872, all which documents shall be dealt with and liable to be produced and inspected so far as circumstances admit in the same way and manner as such documents are now dealt with by the Ballot Act, 1872.

Ballot papers to be dealt with as in Ballot Act.

25. The returning officer shall be entitled to require any barony constable in the county for which an election is being held to preside for him at any polling station on payment to him of the sum of one guinea.

Barony constable to assist.

Any barony constable neglecting to preside when so required shall be liable to pay to the returning officer whatever sum such officer may have had to pay a deputy to preside in his place. Such sum may be recovered before the chairman of the Civil Bill Court of such county.

26. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, with the advice of his Privy Council, at the recommendations of the county board for the county for which such alteration is made.

Dates to be altered.

27. In every case where any date on which any matter or thing ordered to be done under this Act shall fall on a Sunday, such matter or thing shall be done on the following day.

Elections not to be held on Sunday.

28. The county board shall pay to the returning officer the expenses of carrying out an election under this Act. Such expenses shall not exceed for each polling place in the county the sum of three pounds.

Returning officer entitled to expenses.

29. It shall and may be lawful for the county board of each county, and such county board is hereby required to present (without previous application to presentment sessions), to be raised off each county, such sum as the returning officer may be entitled to for expenses in carrying out elections under this Act.

County board to present for expenses.

30. No candidate shall be allowed to employ any paid agent as a canvasser on his behalf. (The election of any candidate who employs such an agent shall be void.

No paid agents.

A.D. 1875.

Sheriff
returning
officer.
Sections of
Commissioners
Classes Act
incorporated,
10 Vict. c. 16.

31. The sheriff of each county shall be the returning officer for the election of the county board.

32. The following sections of the Commissioners Clauses Act, 1847, shall be incorporated in this Act, sections 2, 3, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 25, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, 53, 55, 56, 60, 62, 64, 96, 97, 98, 99, 100, 101: Provided as follows in the above sections: commissioner includes board member; ward includes board district; annual meeting shall mean first meeting in each year of board members after their election. In section 17, for first Thursday of September shall be substituted 10 first of November. In section 20, commissioners shall mean twenty-one elected commissioners.

Lord Lieutenant
to make orders.

33. The Lord Lieutenant with the advice of the Privy Council in Ireland may and is hereby required on or before the *twentieth day of October one thousand eight hundred and seventy-five* to make 15 general orders for the purpose of carrying this Act into effect and for regulating the forms and procedure at board elections: Provided always, that in making such general orders regard shall be had to preserving the secrecy of the ballot.

Orders to be
aid before
Parliament.

34. All such general orders as aforesaid shall immediately after 20 the making and issuing thereof be laid before both Houses of Parliament if then sitting; or if Parliament be not then sitting, within five days after the next meeting thereof: Provided always, that if either of the Houses of Parliament shall by any resolution passed within thirty-six days after such general orders have been laid before such 35 Houses of Parliament, resolve that the whole or any part of such general orders ought not to continue in force, in such case the whole, or such part thereof as shall be so included in such resolution, shall from and after such resolution cease to be binding.

Meaning of
terms.

35. The following words or expressions in this and any Act 30 incorporated therewith, and in any Act mentioned in the first schedule hereto, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say),

Secretary or secretary to general jury includes secretary to county 35 board:

Real property shall include chattels real:

Registry of voters, registry of voters for parliamentary elections.

Title of Act.

36. This Act may be cited as the County Board (Ireland) Act, 1875. 40

Act may be
amended.
Extent of
Act.

37. This Act may be amended or repealed during the present session.

38. This Act shall extend to Ireland only.

SCHEDULES.

A.D. 1875.

SCHEDULE I.

50 Geo. III. c. 102.	8 & 9 Viet. c. 81.	19 & 20 Viet. c. 37.
1 & 2 Geo. IV. c. 33.	8 & 9 Viet. c. 107.	19 & 20 Viet. c. 63.
5 4 Geo. IV. c. 33.	9 & 10 Viet. c. 2.	19 & 20 Viet. c. 68.
4 Geo. IV. c. 43.	9 & 10 Viet. c. 37.	19 & 20 Viet. c. 92.
5 Geo. IV. c. 93.	9 & 10 Viet. c. 71.	20 & 21 Viet. c. 15.
6 Geo. IV. c. 52.	9 & 10 Viet. c. 86.	21 & 22 Viet. c. 103.
6 Geo. IV. c. 101.	9 & 10 Viet. c. 97.	23 Viet. c. 4.
10 7 Geo. IV. c. 74.	9 & 10 Viet. c. 115.	23 & 24 Viet. c. 119.
3 & 4 Wm. IV. c. 37.	10 & 11 Viet. c. 87.	23 & 24 Viet. c. 152.
3 & 4 Wm. IV. c. 78.	11 & 12 Viet. c. 1.	23 & 24 Viet. c. 150.
4 & 5 Wm. IV. c. 90.	11 & 12 Viet. c. 26.	24 & 25 Viet. c. 63.
6 & 7 Wm. IV. c. 13.	11 & 12 Viet. c. 32.	24 & 25 Viet. c. 71.
15 6 & 7 Wm. IV. c. 116.	11 & 12 Viet. c. 51.	25 & 26 Viet. c. 106.
7 Wm. IV. & 1 Viet. c. 2.	11 & 12 Viet. c. 69.	27 & 28 Viet. c. 17.
1 Viet. c. 54.	13 & 14 Viet. c. 68.	30 & 31 Viet. c. 112.
2 & 3 Viet. c. 50.	13 & 14 Viet. c. 85.	33 & 34 Viet. c. 9.
20 3 & 4 Viet. c. 44.	14 & 15 Viet. c. 85. n. 4.	34 & 35 Viet. c. 25.
5 & 6 Viet. c. 42.	16 & 17 Viet. c. 38.	34 & 35 Viet. c. 42.
5 & 6 Viet. c. 81.	16 & 17 Viet. c. 136.	35 & 36 Viet. c. 42.
6 & 7 Viet. c. 44.	17 & 18 Viet. c. 36.	36 & 37 Viet. c. 39.
7 & 8 Viet. c. 104.	17 & 18 Viet. c. 103.	37 & 38 Viet. c. 76.
	18 & 19 Viet. c. 109.	

SCHEDULE II.

NOMINATION PAPER.

We, the undersigned, *A.B.* of _____ and *C.D.* of _____
 being electors for the _____ of _____ do hereby
 nominate the following person as a proper person to serve as local member for
 30 the board district of _____ in the said county for the county
 board of _____

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
Brown	John	52, Sockville Street, Dublin	Farmer.

A.B.
C.D.

County Boards
(Ireland). No. 2.

A

B I L L

To establish Elective County Boards in
Ireland.

*(Prepared and brought in by
Captain Meehan, Mr. Popp, and Mr. O'Connell.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 51.]

Under 2 os.